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June 5, 1995

Our File: 04990/002001

BY HAND DELIVERY

Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

ET Docket No. 95-19
Comments of NEC Technologies, Inc.

Dear Mr. Caton:

NEC Technologies, Inc., by its attorneys, hereby submits an original and five copies of its comments in the above-referenced proceeding.

Please contact the undersigned with any questions regarding this matter.

Very truly yours,

Keith A. Barritt

Enclosures

45877.W11

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	
Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices	ET Docket No. 95-19

COMMENTS OF NEC TECHNOLOGIES, INC.

INTRODUCTION

NEC Technologies, Inc. ("NECTECH"), by its attorneys, hereby submits the following comments for the Commission's consideration in the above-referenced proceeding.[1]

NECTECH has been a leading manufacturer of personal computers for over a decade, and has extensive experience with the Commission's certification process. NECTECH also has significant manufacturing facilities located both overseas and in the United States. As such, it has broad insight into how the Commission's proposal to decertify personal computers will affect worldwide manufacturers.

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[1] In the Matter of Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices, Notice Of Proposed Rule Making, FCC 95-46 (rel. Feb. 7, 1995) ("NPRM").

NECTECH applauds the Commission's efforts to streamline its regulations and further harmonize them with international standards. However, it believes there are several improvements that can be made in the current proposal -- particularly for manufacturers who conduct their own compliance testing -- that would result in significant cost and time savings, without sacrificing any of the goals set forth in the NPRM. Specifically, and as described in detail below, NECTECH believes that formal accreditation of testing facilities is unnecessary, that in any event accreditation of manufacturers who self-test is unnecessary, and that if any evaluation of a manufacturer's facility is warranted, ISO 9000 registration is sufficient in place of NVLAP or A2LA accreditation.

I. Accreditation Should Not Be Required For Any Testing Facility

One of the primary goals of the Commission in this proceeding is to further the international harmonization of EMC regulations.[2] The most efficient and effective means of achieving this goal is to not require any accreditation of test facilities, as this will bring U.S. practice squarely into conformity with European practice.[3] Requiring accreditation for

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[2] As the Commission stated, its proposal is designed to "align FCC equipment authorization requirements for personal computers with those used in other parts of the world." NPRM at 2, ¶ 1.

[3] See European Union Council Directive of May 3, 1989 on the Approximation of the Laws of the Member States Relating to (continued...)

the U.S. market would perpetuate the disharmony that has been widely criticized for costing manufacturers millions of dollars in unnecessary compliance costs.

In addition, NECTECH notes that under the Commission's proposal Class A digital devices can continue to be tested at facilities that are not accredited. As demonstrated by the favorable experience with Class A devices, such accreditation is simply not necessary to ensure reliable compliance testing. The Commission should not prematurely and arbitrarily impose the significant burden of requiring accreditation for testing personal computers, in the absence of any evidence for the need for such regulations.

II. At A Minimum, No Accreditation Should Be Required For In-House Compliance Testing

Even if the Commission believes that a system of accrediting independent test facilities serves an important function of assuring that the test procedures will be done correctly, where the manufacturer performs such tests in-house, the need for third-party accreditation is virtually eliminated.

After fifteen years of experience with the Commission's EMC compliance program, many manufacturers have a thorough knowledge of the required testing procedures. There are many professionals in the field, as attested to by the fact that there are

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[3](...continued)
Electromagnetic Compatibility, 89/336/EEC, Art. 10(1) (accreditation not a requirement for European EMC compliance testing).

approximately 500 labs on the Commission's list of qualified test sites. Testing techniques are well developed, easily available, and readily understood by manufacturers, who constantly strive to ensure that their products are designed and produced to comply with the Commission's EMC requirements. In fact, as the Commission recognized, many manufacturers currently operate their own testing facilities.[4] Because such manufacturers have control over their own facilities, accreditation by an independent body would not significantly add to their faith in the test results.

Furthermore, the Commission need not worry that manufacturers who perform their own tests will try to "cut corners." Manufacturers who self-test have every incentive to ensure that their products comply, rather than face the risk of costly enforcement action by the Commission and the corresponding negative publicity. Manufacturers who self-test, therefore, have a strong market incentive to test their products properly, without any need for a coercive accreditation program. Finally, not requiring manufacturers' own test labs to be accredited would further reduce costs and bring U.S. regulations into harmony with international practice.

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[4] NPRM at 2, ¶ 3.

III. In Any Event, Nothing More Than ISO 9000 Registration Should Be Required For Manufacturers Who Self-Test

If the Commission nonetheless maintains that some quality assurance of a manufacturer who self-tests is desirable, NECTECH believes that it would be counter-productive for the Commission to insist upon accreditation by the National Voluntary Laboratory Accreditation Program ("NVLAP") or the American Association for Laboratory Accreditation ("A2LA").[5] As the Commission itself recognized, it may take up to two years -- or longer -- for facilities to obtain NVLAP accreditation, and could cost thousands of dollars.[6] Accreditation of overseas facilities may be, as the Commission stated, "particularly difficult."[7]

Instead of relying on accreditation by NVLAP or A2LA, NECTECH strongly believes that ISO 9000 registration presents an even better alternative.[8] Such registration is widely

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[5] NPRM at 4, ¶ 8 and n.12.

[6] NPRM at 5, ¶ 9 and n.10.

[7] NPRM at 5, ¶ 9.

[8] Reference throughout these comments to "ISO 9000" is intended to include any of the ISO 9000 Series standards, a set of individual international standards on quality management and quality assurance. These standards are generic rather than specific to any particular products, and are intended to document the quality system elements to be implemented by a company in order to maintain an efficient quality system. Registration to either ISO 9001, 9002, or 9003, which all include quality assurance for final inspection and testing, would assure the Commission of the quality of the laboratory's test procedures.

Although ISO 9000 registration does not specifically include a "proficiency testing" component, as long as the laboratory's quality assurance program contains a Part 15 element the Commission will be assured that sufficient quality safeguards are

(continued...)

recognized throughout the world as having a high degree of reliability. ISO 9000 registration would be sufficient assurance that manufacturing facilities that include a Part 15 compliance component would have quality programs in place for performing the necessary tests to document compliance with the Commission's technical rules.

Allowing manufacturers who self-test to opt for ISO 9000 registration would further most if not all of the Commission's goals. First, because ISO 9000 is already harmonized throughout the world, there would be no problems in quickly and easily registering foreign facilities.

Second, for a manufacturer that already has an ISO 9000 registration, it would be a relatively simple matter to add an FCC Part 15 EMC testing component to upgrade its registration to satisfy the Commission's requirements.

Third, allowing manufacturers to rely on ISO 9000 would further the goal of international harmonization, as it would avoid the need for ISO 9000 registered manufacturers to go through yet another largely repetitive quality assurance process. In addition, under the current proposal, there is no assurance that whatever accreditation is ultimately provided by NVLAP or

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[8](...continued)
in place. Furthermore, the Commission can always perform such proficiency testing itself by sampling products on the market, as it currently does.

A2LA would be recognized by other standards bodies, thereby limiting the potential benefit of such accreditation.[9]

Fourth, other U.S. government agencies, such as the Food and Drug Administration, the Department of Defense, the Federal Aviation Administration, and the National Aeronautics and Space Administration have either made or are considering changes to incorporate ISO 9000 standards into their regulations.[10] The FDA, for example, is considering relying on ISO 9000 in revising its Good Manufacturing Practices regulations to add an EMC component for medical devices. Allowing ISO 9000 registration would therefore not only further harmonize the Commission's regulations with international practice, it would also harmonize them with domestic programs.

In sum, ISO 9000 registration for manufacturers would be easy to obtain, would reduce the costs associated with compliance with U.S. standards, would provide at least the same degree of quality assurance as NVLAP or A2LA accreditation, would have value beyond the U.S. market, and would be consistent with the trend in other U.S. agencies recognizing ISO 9000 registration.

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[9] NECTECH notes that one of the Commission's goals in this proceeding is to "advance the possibility that U.S. product approvals for personal computers and their associated peripherals may one day be accepted throughout the world." NPRM at 7, ¶ 12.

[10] Hagigh, "Obtaining EC Product Approvals After 1992: What American Manufacturers Need to Know," Business America, Feb. 24, 1992, at 30, 31.

CONCLUSION

NECTECH supports the Commission's efforts to lessen the regulatory burdens facing PC manufacturers. The best means of accomplishing this is to not require accreditation of test facilities. The next best approach is to not require any type of accreditation for manufacturers who do their own testing, but if third-party evaluation of a manufacturer's facilities is to be required, ISO 9000 registration is more than sufficient to assure the Commission that the manufacturer's products will comply with the EMC requirements.

Respectfully Submitted,

NEC TECHNOLOGIES, INC.

Date: June 5, 1995

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